

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DANIEL TREJO, aka) Case No. CV 10-1280-DDP(RC)
DANIEL NAJERA TREJO,)
)
 Petitioner,)
) ORDER ADOPTING REPORT AND
vs.) RECOMMENDATION OF UNITED STATES
) MAGISTRATE JUDGE AND ORDER DENYING
 WARDEN HIGH DESERT STATE) CERTIFICATE OF APPEALABILITY
PRISON,)
)
 Respondent.)
)

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the petition and other papers along with the attached Report and Recommendation of United States Magistrate Judge Rosalyn M. Chapman, and has made a de novo determination.

IT IS ORDERED that: (1) the Report and Recommendation is approved and adopted; (2) the Report and Recommendation is adopted as the findings of fact and conclusions of law herein; and (3) Judgment shall be entered denying the petition for writ of habeas corpus and dismissing the action with prejudice.

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1 This Court finds an appeal would not be taken in good faith,
2 and petitioner has not made a substantial showing that he has been
3 denied a constitutional right, for the reasons set forth in the
4 Report and Recommendation; thus, a certificate of appealability
5 should not issue under 28 U.S.C. § 2253(c)(2) and Fed. R. App.
6 P. 22(b). Slack v. McDaniel, 529 U.S. 473, 483, 120 S. Ct. 1595,
7 1604, 146 L. Ed. 2d 542 (2000); Mayfield v. Calderon, 229 F.3d 895,
8 900 (9th Cir. 2000).

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11 IT IS FURTHER ORDERED that the Clerk shall serve copies of this
12 Order, the Magistrate Judge's Report and Recommendation and Judgment
13 by the United States mail on petitioner.

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15 DATED: September 29, 2010



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18 DEAN D. PREGERSON
UNITED STATES DISTRICT JUDGE

19 R&Rs\10-1280.ADO2
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